

BS99047
U.S. Application No. 09/417,051 Examiner BUI Art Unit 2611
Response to January 31, 2005 Office Action

REMARKS

In response to the Office Action dated January 31, 2005, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that the claims as presented are in a condition for allowance.

The United States Patent and Trademark Office (the "Office") restricted this application to claims 6-17 and 22-25. Claims 6-17 and 22-25 were then rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to Freimann. The Assignee shows, however, that the pending claims are patentably distinguishable over *Freimann*, and the Assignee thus respectively submits that the pending claims are ready for allowance.

Cancellation of Claims 1-5 & 18-21

The United States Patent and Trademark Office (the "Office") restricted this application to claims 6-17 and 22-25. The Assignee desires to move this application toward allowance, so the Assignee herein cancels the withdrawn claims 1-5 and 18-21.

Rejection of Claims 6-10 under 35 U.S.C. § 102 (e)

The Office rejected claims 6-10 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to Freimann. A claim is anticipated only if each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the amended claims distinguish over *Freimann*. The reference to *Freimann* does not anticipate the pending claims, so the Assignee respectfully requests that Examiner Bui remove the 35 U.S.C. § 102 (e) rejection of claims 6-10.

Freimann does not anticipate claims amended 6-10. While *Freimann* discusses some terms in the claims, *Freimann* does not teach all the features of the claims. Claim 6, for example, recites "*a single segment data structure per segment of the EIT data, each segment*

BS99047

U.S. Application No. 09/417,051 Examiner BUI Art Unit 2611
Response to January 31, 2005 Office Action

data structure comprising a start time for each segment, a number of events within each segment, and an event instance table pointer." The patent to *Freimann* is entirely silent to such features. Moreover, claim 6 further recites "*an event instance table*" that stores "*unique information for a particular instance of each event*" and an "*event data structure storing common information for multiple instances of the same event.*" The patent to *Freimann* is again entirely silent to such features.

Examiner Bui is correct — *Freimann* discusses a pointer. *Freimann*, however, uses pointers 1) when filtering packets and 2) when determining whether a section of packets has already been received. *Freimann* does not use pointers to "*unique information for a particular instance of each event*" and "*common information for multiple instances of the same event,*" as claim 6 recites. Moreover, *Freimann* fails to teach or suggest "*a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for each segment, a number of events within each segment, and an event instance table pointer.*"

Freimann, then, does not anticipate claims 6-10. *Freimann* is completely silent to the use of pointers as claim 6 recites. Because *Freimann* is silent to such features recited in claim 6, *Freimann* cannot anticipate claims 6-10. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 6-10.

Rejection of Claims 11-17 under 35 U.S.C. § 102 (e)

The Office also rejected claims 11-17 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to *Freimann*. The patent to *Freimann*, again, cannot anticipate claims 11-17. Claim 11 again recites several features not taught or suggested by *Freimann*. No where, for example, does *Freimann* teach "*creating a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for the segment, a number of events within the segment, and an event instance table pointer pointing to an event instance table.*" As claim 11 further recites, the event instance table comprises "*an event instance data structure for each event in a segment, the event instance data structure storing detailed information for a particular instance of each event and an event data structure pointer.*" Claim 11 also recites "*an*

BS99047

U.S. Application No. 09/417,051 Examiner BUI Art Unit 2611
Response to January 31, 2005 Office Action

event data structure pointed to by the event data structure pointer, the event data structure storing common information for multiple instances of the same event." No where does *Freimann* teach or suggest such features. Because the patent to *Freimann* is silent to at least these features, *Freimann* cannot anticipate claims 11-17. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 11-17.

Rejection of Claims 22-25 under 35 U.S.C. § 102 (e)

The Office also rejected claims 22-25 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,604,243 to *Freimann*. The patent to *Freimann*, however, cannot anticipate claims 22-25. Claim 22, for example, recites a data architecture storing "*a single segment data structure per segment of the EIT data, each segment data structure comprising a start time for the segment, a number of events within the segment.*" Each segment data structure also includes "*an event instance table pointer pointing to an event instance table*" storing "*detailed information for a particular instance of each event*" and "*common information for multiple instances of the same event.*" Because *Freimann* is silent to such features recited in claim 22, *Freimann* cannot anticipate claims 22-25. The Assignee, then, respectfully asks the Office to remove the § 102 rejection and to allow claims 22-25.

The reference to *Freimann* does not anticipate the pending claims. Because the pending claims are patentably distinguishable over *Freimann*, the Assignee respectfully requests that Examiner Bui reinstate the Notice of Allowance.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@scottzimmerman.com.

Respectfully submitted,

BS99047

U.S. Application No. 09/417,051 Examiner BUI Art Unit 2611
Response to January 31, 2005 Office Action

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390